

REMARKS

These Remarks are presented in response to the Office Action. Claims 1-13 have been withdrawn by the examiner. Claims 14-21 are now pending in this application.

Reconsideration of this application is respectfully requested in view of the following remarks. For the convenience and reference of the Examiner, the remarks of the Applicant are presented in the order in which the corresponding issues were raised in the Office Action.

Applicant notes that the remarks presented herein should not be construed as an acquiescence, on the part of the Applicant, as to the purported teachings or prior art status of the cited reference, nor as to the characterization of the cited reference advanced by the Examiner. Accordingly, Applicant reserves the right to challenge the purported teaching and prior art status of the cited reference at any appropriate time.

Rejections Under 35 U.S.C. §102(b)

Applicant respectfully notes that a claim is anticipated under 35 U.S.C. § 102(a) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *See* M.P.E.P. § 2131.

The Examiner has rejected claims 14-21 under 35 U.S.C. § 102(a) as being anticipated by US publication US2002/0149821 to Aronson ("*Aronson*"). Applicant disagrees and submits that, for at least the reasons outlined below, the rejection should be withdrawn.

a. claims 14-18

In rejecting claim 14 for example, the Examiner has asserted that "*Aronson* show in Fig.2-3 . . . a memory 120 . . . wherein the memory has stored therein a distinct set of digital temperature compensation values 122 determined through testing of the optoelectronic device . . ." However, Applicant respectfully submits that Figures 2 and 3 of *Aronson* fail to provide adequate support for the position taken by the Examiner.

For example, while Figure 3 of *Aronson* illustrates a "General Purpose EEPROM 120," it is not at all apparent that Figure 3 discloses, or even suggests, that a "distinct set of digital temperature compensation values determined through testing of the optoelectronic device," or any other data for that matter, are stored in the "General Purpose EEPROM 120," as the Examiner has asserted. Nor has the Examiner identified with any particularity which specific portion(s) of Figures 2 and 3 of *Aronson* that the

Examiner believes to disclose the claimed “distinct set of digital temperature compensation values determined through testing of the optoelectronic device.” Instead, it appears that the Examiner has simply *assumed* that the “General Purpose EEPROM 120” contains such values. In light of the foregoing, Applicant respectfully submits that the Examiner has failed to establish that the identical invention is shown in as complete detail in Aronson as is required by claim 14.

As noted above, the rejection of the Examiner includes the assertion that “a memory 120 . . . has stored therein a distinct set of digital temperature compensation values 122” (emphasis added). Contrary to the assertion of the Examiner however, neither Figure 2 nor Figure 3 of *Aronson* refers to “a distinct set of digital temperature compensation values 122” (emphasis added). Instead, Figure 3 illustrates “D/A Temperature Lookup Tables 122.”

Moreover, claim 14 requires a memory “wherein the memory has stored therein a distinct set of digital temperature compensation values determined through testing of the optoelectronic device” (emphasis added). In contrast, Figure 3 of *Aronson* appears to indicate that “D/A Temperature Lookup Tables 122” is an element that is separate from the “General Purpose EEPROM 120.” In fact, Figure 3 of *Aronson* does not even illustrate a connection between the “D/A Temperature Lookup Tables 122” and the “General Purpose EEPROM 120.” For at least the foregoing reasons, Applicant respectfully submits that the Examiner has failed to establish that *Aronson* discloses all the elements of claim 14, arranged as required by the claim.

As outlined above, Applicant respectfully submits that the Examiner has failed to establish that *Aronson* anticipates claim 14, and corresponding dependent claims 15-18, at least because the Examiner has failed to establish that the identical invention is shown in as complete detail in *Aronson* as is required by claim 14, and because the Examiner has failed to establish that *Aronson* discloses all the elements of claim 14, arranged as required by the claim.

Accordingly, Applicant further submits that the rejection of claims 14-18 has been overcome and should be withdrawn.

b. claims 19-21

In rejecting claim 19, the Examiner has asserted, among other things, that “Aronson show in Fig.2-3 . . . a memory device 120 configured to store control parameters for at least one operating requirement corresponding to a range of operating temperatures 122 . . .” However, while Figure 3 of *Aronson* illustrates a “General Purpose EEPROM 120,” the Examiner has not identified with any particularity which specific portion(s) of Figures 2 and 3 that the Examiner believes to disclose a memory

device that is “configured to store control parameters for at least one operating requirement corresponding to a range of operating temperatures” as required by claim 19. Instead, it appears that the Examiner has simply *assumed* that the “General Purpose EEPROM 120” is configured in the fashion that is recited in claim 19. In light of the foregoing, Applicant respectfully submits that the Examiner has failed to establish that the identical invention is shown in as complete detail in Aronson as is required by claim 19.

Further, Applicant is unclear on this point but it appears to be the position of the Examiner that the “memory device 120” illustrated in Figure 3 of *Aronson* is configured to store “control parameters 122.” Contrary to the assertion of the Examiner however, neither Figure 2 nor Figure 3 of *Aronson* refers to “control parameters 122” (emphasis added). Instead, Figure 3 illustrates “D/A Temperature Lookup Tables 122.”

Moreover, claim 19 requires a memory device “configured to store control parameters . . .” However, the arrangement in Figure 3 of *Aronson* appears to indicate that the “General Purpose EEPROM 120” is not configured to store the “D/A Temperature Lookup Tables 122,” characterized by the Examiner as “control parameters,” inasmuch as the “D/A Temperature Lookup Tables 122” are illustrated as an element that is separate from the “General Purpose EEPROM 120.” In this regard, Applicant notes that Figure 3 of *Aronson* does not even illustrate a connection between the “D/A Temperature Lookup Tables 122” and the “General Purpose EEPROM 120.” For at least the foregoing reasons, Applicant respectfully submits that the Examiner has failed to establish that *Aronson* discloses all the elements of claim 19, arranged as required by the claim.

In rejecting claims 19-21, the Examiner has also asserted that Figures 2 and 3 of *Aronson* teach “control logic 134 configured to access the control parameters in the memory device to control the at least one operating requirement when the optoelectronic device is operating at a temperature within the range of operating temperatures.” However, while Figure 3 of *Aronson* illustrates “Logic 134,” the Examiner has not identified with any particularity which specific portion(s) of Figures 2 and 3 that the Examiner believes to disclose control logic that is configured “to access the control parameters in the memory device to control the at least one operating requirement when the optoelectronic device is operating at a temperature within the range of operating temperatures” as required by claim 19. Instead, it appears that the Examiner has simply *assumed* that the “Logic 134” is configured in the fashion that is recited in claim 19. In light of the foregoing, Applicant respectfully submits that the Examiner has failed to establish that the identical invention is shown in as complete detail in Aronson as is required by claim 19.

As outlined above, Applicant respectfully submits that the Examiner has failed to establish that *Aronson* anticipates claim 19, and corresponding dependent claims 20-21, at least because the Examiner has failed to establish that the identical invention is shown in as complete detail in *Aronson* as is required by claim 19, and because the Examiner has failed to establish that *Aronson* discloses all the elements of claim 19, arranged as required by the claim.

Accordingly, Applicant further submits that the rejection of claims 19-21 has been overcome and should be withdrawn.

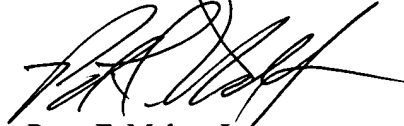
Application No. 10/695,342
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Reply to Office Action mailed February 10, 2005

CONCLUSION

In view of the amendments and remarks submitted herein, Applicant respectfully submits that each of the pending claims 14-21 now pending in this application is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 22nd day of June, 2005.

Respectfully submitted,



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